

NEW MEXICO CORRECTIONS DEPARTMENT

"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."

Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico

ISSUE DATE: 11/28/94 REVIEW/REVISED: 03/16/15

EFFECTIVE DATE: 11/28/94

TITLE: Religious Programs

AUTHORITY:

Policy CD-010100

REFERENCE:

- A. ACA Standard 2-CO-5E-01 and 2-CO-5E-02, Standards for the Administration of Correctional Agencies, 1993.
- B. ACA Standards 4-4512 through 4-4517 and 4-4519 through 4-4521, *Standards for Adult Correctional Institutions*, 4th Edition.
- C. Constitution of New Mexico Article XX, Section 13. Sacramental wines.

PURPOSE:

To establish policy for the practice of faith groups and ensure that inmates have the opportunity to participate in practices of their faith group, individually or corporately as authorized, that are deemed essential by the governing body of that religion, limited only by documentation showing threat to the safety of staff, inmates, or other persons involved in such activity, or that the activity itself disrupts the security or good order in the facility. Religious based programs/observances shall be accommodated, within available time and space, unless an overriding compelling governmental interest exists. [2-CO-5E-01] [4-4517]

APPLICABILITY:

All inmates under the jurisdiction of the New Mexico Corrections Department (NMCD), all employees of the NMCD who are involved in the management and operation of religious programs, especially the Chaplains/Religious Coordinators and volunteers who participate in NMCD religious programs.

FORMS:

None

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ATTACHMENTS:

Religious Groups Overview Attachment (CD-101301.A)

DEFINITIONS:

- A. <u>Group Religious Practices:</u> Occurs when two or more inmates are gathered to practice their faith in an approved, scheduled program/observance.
- B. <u>Personal Religious Practice:</u> Occurs when inmates practice/observe their faith, alone in their cell.
- C. <u>Religion</u>: Any bona fide belief system identified by an individual as their system of faith and worship; it is not restricted to established or nationally recognized religions.
- D. <u>Religious Representative:</u> A duly ordained clergy person, medicine person, Imam, Rabbi or other person qualified and authenticated representative of a legitimate religious practice who has been recommended by a staff chaplain and approved by the Warden.

POLICY:

The New Mexico Corrections Department (NMCD) shall provide religious programming for an inmate that is appropriate for the inmate's custody placement, including program coordination and supervision, opportunities to practice one's faith, and the use of community resources, including volunteers, religious facilities and equipment. The religious programs offered will reflect the diversity of traditions available in the larger, outside community, to the extent possible.

- A. A qualified senior staff member shall be responsible for coordinating the agency faith program and that the staff member: [2-CO-5E-02] [4-4516]
 - Specifies the lines of authority, responsibility, and accountability for the faith program;
 - Enables inmates to identify religious preferences upon entering NMCD and provides a process where preferences may be changed. Inmates are eligible to request a change in religious preference only once every 12 months. Requests are to be submitted in writing to the Chaplain or Classification Officer.
 - Ensures that inmates are not subjected to coercion, harassment, or ridicule due to religious affiliation.

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• Describes the conditions and circumstances under which clergy privileged communications exist. Circumstances under which privileged communication in the correctional setting does not apply should be clearly stated.

- Develops and maintains close relationships with community religious resources.
- Establish guidelines for the practice of recognized faith groups. Ensures that inmates have the opportunity to participate in practices of their faith group, individually or corporately as authorized, that are deemed essential by the governing body of that faith, limited only by documentation showing threat to the safety of staff, inmates, or other persons involved in such activity, or that the activity itself disrupts the security or good order in the facility. Faith based programs/observances shall be accommodated, within available time and space, unless an overriding compelling governmental interest exists. [2-CO-5E-01] [4-4517]
- C. Establish consistent standards for accommodation of all NMCD recognized faith group practices.
- D. Permit holy days as documented by religious tenet, within available time, space, and security resources (for currently approved holy days refer to **Group Overview** Attachment (*CD-101301.A*)). The sign-up for Passover/Ramadan/Lent shall be facilitated by the Chaplain, submitted to the Warden/designee and manager of Food Service as appropriate [2-CO-5E-01].
- E. Permit Work Proscription Days: Inmates who are affiliated to the faith groups that require work proscription days shall be allowed to miss work, without pay, for those days (per **Religious Group Overview** Attachment (*CD-101301.A*)). [2-CO-5E-01]
- G. Inmate shall have the opportunity to participate in practices of their religious faith that are deemed essential by the religious' judicatory, limited only by documentation showing threat to the safety of persons involved in such activity or that the activity itself disrupts order in the institution. [4-4517]
- H. There shall be a chaplain (or chaplains) with minimum qualifications of: [4-4512]
 - Clinical pastoral education or equivalent specialized training and;
 - Endorsement by the appropriate religious certifying body.
- I. The chaplain assures <u>equal status</u> and protection for all religions.
 - Ensures that inmates are not subjected to coercion, harassment, or ridicule due to religious affiliation;

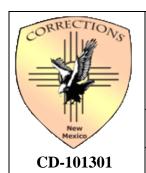
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• Describes the conditions and circumstances under which clergy privileged communications exist. Circumstances under which privileged communication in the correctional setting does not apply should be clearly stated;

- Ensures that staff who have direct contact with inmates are given training regarding religious practices; and
- Develops and maintains close relationships with community religious resources.
- J. When a religious leader of an inmate's faith is not represented through the chaplaincy staff or volunteers, the chaplain assists the inmate in contacting a person who has the appropriate credentials from the religious judicatory. That person ministers to the inmate under the supervision of the chaplain. [4-4519]
- K. Institutions shall provide space and equipment adequate for the conduct and administration of religious programs. The institution makes available non-inmate clerical staff for confidential material. [4-4520]
- L. The chaplain, in cooperation with the institutional Warden or designee, develops and maintains communications with faith communities and approves donations of equipment or materials for use in religious programs. [4-4521]
- M. The chaplain plans, directs, and coordinates all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the inmate population. [4-4514]
- N. The chaplain shall have access to all areas of the institution to minister to inmates and staff. [4-4515]
- O. The chaplain or designated religious staff shall develop and maintain close relationships with community religious resources. [4-4516]
- P. In facilities with an average daily population of 500 or more inmates, there shall be a full-time chaplain (or chaplains). In facilities with less than 500 inmates, adequate religious staffing shall be available. [4-4513]
- Q. Native American religious programming is identified and fully described in CD-101100 **Native American Counseling Act**.

	03/16/15
Gregg Marcantel, Secretary of Corrections	Date
New Mexico Corrections Department	



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TITLE: Religious Programs

AUTHORITY:

Policy CD-101300

PROCEDURES: [4-4517] [4-4520]

Efforts shall be made to treat bona fide religions equally.

An inmate's religious requests, including those considered being fundamental and essential, may be denied for reasons of security or for other substantiated reasons. If a request is denied, alternatives to accommodate the religious practice must be explored which might allow the inmate to practice by means appropriate to their custody level.

- A. Sacramental wine is necessary for the worship of some faith groups, i.e. the requirements of the ritual cannot be satisfied without the use of wine. Sacramental wine is not to be offered to inmates unless documented as having been deemed essential by the religious' judicatory. In those cases where the religious ritual can only be satisfied by offering the Sacramental wine to the inmate, documentation should be provided demonstrating that this is essential to the practice of the faith. The warden with advice from the chaplain may permit inmates to receive a small amount of sacramental wine. For scheduled services for which wine is authorized, the faith representative will supply the wine and be allowed to bring it into the facility. At the conclusion of the service, the clergy must remove from the facility any sacramental wine not used in the service.
- B. If items or activities are used to facilitate practices that are essential to the practice of a religion, the Corrections Department may provide those items through donation or budget unless they are denied for security reasons. If such items are stored, they will be treated with due respect and made available at normal times of worship.
 - Religious Property (Group): Items defined by faith group tenets which are permitted within security constraints for use in group faith practices.
 - Religious Property (Personal): Items defined by faith group tenets which are permitted within security constraints for use in personal religious practices.

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C. Individual items which are not essential to a religion will not be provided by NMCD, but personnel and volunteers, with the approval of the facility warden, will make reasonable efforts to facilitate the inmate's purchase of such items or acquisition through donation, unless there is a substantial State interest to deny the items. Once approved, such items are to be placed on the inmate's property list and shall not to be treated as contraband unless altered from their original form.

- D. Holy Day Observance: A religious based observance, supported by tenet, which may or may not support accommodation of group gatherings.
 - Allow up to two hours for group gatherings on non-work proscription days.
 - Allow up to four hours for group gatherings on work proscription days, (Exception: A minimum of six (6), but no more than eight (8), hours for Native American sweat lodge ceremonies).
- E. Institutions designated level 5 or 6 may provide religious services through Educational Television (ETV) so as to reach the largest number of inmates housed in these custody levels.
- F. Accommodates for inmates' religious diets, whose religious beliefs require the adherence to religious dietary laws. Inmates must submit a written request for religious diet based on faith group tenets for approval. The contract will provide for religious diet requirements. The food service provider will accommodate facility approved religious diet requests. [4-4313]
- G. Institutions may organize religious review committees (composed of administrators, chaplains and community religious leaders) to assist the facility warden, to review religious requests and to ensure equity and consistency of those decisions. They may recommend and/or facilitate the verification of purported basic tenets of religions with which they are not familiar. All committee recommendations require the approval of the Warden or a designee.
- H. Food items purchased or provided from outside sources for holy day observances will only be allowed if one of the following applies:
 - 1) An approved outside volunteer(s) provides food item(s), and is present to conduct the observance, with the approval of the Warden or a designee.
 - 2) Where security permits, inmates may be allowed to purchase and bring canteen food items to holy day observances, when requested in advance of the observance. All food must be consumed during the observance; remaining food items will be destroyed, with the approval of the Warden or a designee.

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I. Inmates of the same faith group assigned to a facility or custody level will be permitted to gather for holy day observances within allowable safety and security policies. [2-CO-5E-01]

- J. An inmate who changes his or her name for religious reasons must use the name under which he or she was committed for all official purposes while they are under the supervision of the Corrections Department to ensure proper tracking of individuals and accurate record keeping. The inmate may use their name that was changed for religious reasons for all non-official purposes.
- K. The Chaplains/Religious Coordinators will submit a report each month to the Warden that documents the religious services programs of the institution. The report shall include schedules or calendars that reflect the dates, times and names of volunteer groups that provide faith programs.
- L. As available, the Department will assist state and national organizations to provide faith programming at one or more Corrections Department institutions.

X	
	03/16/15
Gregg Marcantel, Secretary of Corrections	Date

New Mexico Corrections Department

	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Indian / Alaskan d	No special dietary standard exists	Unpaid Work Proscription Days Special additional Sweat Lodge ceremonies to be held these days: Spring -Equinox Summer - Solstice Fall - Equinox Winter - Solstice Special additional Sweat Ceremonies may be held on an alternate day from 7 days prior to 7 days after the holy day * Minimum of 6 hours (maximum of 8) for weekly Sweat Ceremony	P - Smudging G - Sweat (up to 8 hrs) / Smudging / Talking Circle / Pipe Ceremony	 Antler sets – up to 2 Blankets / lodge cover - up to 2 layers Buffalo/cow skull – 1 Canvas – lodge cover 1layer Ceremonial pipe – 1 Ceremonial pipe wrap/bag -1 Drum sticks – up to 20 Drums – up to 2 Feather fans – 3 Firewood – amount contingent to facility space, security Forked stick sets – up to 4 White Headband - 1 per participant Herbs as in personal property Lava rock – up to 30 Lighter - 1 Lodge pole – 1 Lodge pole flags – up to 4 Pitchfork – 1 No acquisition of new personal pipes will be allowed 	 Prayer ties – up to 4"x4" in size, multicolor Rattles – 4 Shells – 2 Shovel – 1 Song sheets – up to 20 Stones rounded crystals no larger than 1" in diam – 6 Stones turquoise no larger than 2" in diam – 6 Tobacco blend – up to 1 oz Faith specific VHS/DVD videos & books & tapes Water Water bucket – 1 Water dipper – 1 No non-indigenous plants shall be allowed to be planted or grown.

Faith Group	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Asatru (Odinism)	No special dietary standard exists. (Pork on Yule Feast to be provided by Religious Volunteer subject to approval.)	Unpaid work proscription day(s) High Feast of Osatra – March 20 th High Feast of Baldor – June 21 st Winter Finding – September 21 st High Feast of Yule – December 21st Up to 2 hour observance Fire is allowed contingent upon time, space, security and physical plant	P — Rune cards w/ instruction booklet G — Blot / Sumbel Prefer to gather outdoors for ritual, but indoors is appropriate also	 Altar – 1 Altar candles/holders (various colors) – up to 6 Altar cloth – 1 Bowl (offering) – 1 Religious specific- VHS/DVD/books/tapes (amount contingent to facility space, security) Firewood (amount contingent to facility space, security) Gandar (1/2" x 24") –1 (excluding Levels V and VI) Libation cup – 1 Oath ring (up to 6 inches wood) Thor's Hammer up to 12" (constructed of strong cardboard) – 1 Wand up to 12 in. constructed of strong cardboard - 1 Pictures of Deities - 6 Sprig (evergreen) – 1 	
Baha'i	No special dietary standard exists Fast: March 2-21	Holy Day Observance Ridvan Declaration of the Bab Ascension of Baha'u'llah Martyrdom of Bab Birth of Bab Birth of Baha'u'llah Day of the Covenant Ascension of Abdu'l Baha Unpaid Work Proscription Days Baha'i New Year - Nan Ruz	P - Prayer G - None required	None	

Religious Group	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Buddhism	Vegetarian Most follow, but not precept of the faith	Holy Day Observance Birthday of Buddha Vesak (Buddha Day) Dharma Day Pavarana Bodhi Enlightenment Day Unpaid Work Proscription Days Nirvana Sangha Day	P - Meditation / chanting G - Meditation / teaching	 Altar - 1 Altar cloth – 1 Bell (small) -1 Bowls (offering) up to 7 Box (covered in brocade/cloth) -1 Candle w/ holder (various colors) – 1 battery operated religious specific VHS/DVD videos & books & tapes amount contingent to facility space, security 	 Meditation cushion - 1 per participant Pictures (Buddhist) - 6 Statue (Buddha up to 6") - 1 Text (small scroll or book wrapped in cloth) - 1
Roman Catholic	Meatless entree on Fridays during Lent, Ash Wednesday & Good Friday	Holy Day Observance Sunday Ash Wednesday Good Friday Easter Christmas Octave of Christmas Ascension of Jesus Assumption of Mary All Saints Day Immaculate Conception Unpaid work proscription day (s). Participation in the Eucharist is required on all Holy Days of Obligation, and work is prohibited.	P - individual choice Confession (when Priest volunteers are available) G - Mass/communion service (when Priest/Eucharistic Minister/Deacon volunteers are available) Priest may bring up to 3 oz of wine for mass - Priest/Deacon consumption only	 Altar – 1 Altar cloth – 1 Bowl/cup (offering) -1 Candles w/ holders (various colors) – up to 6 Battery operated Incense holders Cross/crucifix (up to 6") - 1 Holy water – up to 6 oz Missals and hymnals – 1 per participant 	 Sacrament of communion (sacramental wine and host/wafer no inmate consumption of consecrated wine) Stations of the Cross (paper or cardboard) up to 12"x10" – 1 set Statues (Saints up to 6") – 2 Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security)

Religious Group	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription	Worship Practices Personal / Group	Allowable Religious Items Group Property (Personal or Participant Property is as	
		Days (day off from work required: YES)	Accommodated around normal work hours	Allowed by NMCD Property Policies.)	
Church of Christ Scientist	No special dietary standard exists	No Mandatory Requirements	P/G - None required	None	
Church of Scientology	No special dietary standard exists	 Holy Day Observance International Scientology Day International Auditors Day No unpaid work proscription day(s) 	P/G - None required	None	
Eastern Orthodox	Same as Catholic add: Holy Saturday Christmas vigil Meatless	Same as Catholic add Epiphany	Eucharist requires co-mingling of wine and bread.	Same as Catholic add Icons, Greek Cross	
Hindu	Vegetarian preferred, but not required	Unpaid Work Proscription Days Dashera Diwali	P - Study / prayer G - None Required	None	
Islam / Muslim	Halal Pork meat prohibited	Holy Day Observance Jumah Prayer - Fridays, up to a two hour observance starting around noon, but not at noon Ramadan - varies	P - Prayer 5 times daily for approx 10 min (before sunrise, before noon, afternoon, before sunset, after sunset) G - Friday Jumah Service	 Hijab (female) – 1 per participant Kufis (male) – 1 per participant Prayer Rug – 1 per participant Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) 	
	Ramadan Fast sun up to sun down - 29 to 30 days	Unpaid Work Proscription Days Eid-Ul-Fitr Eid-Ul-Adha	Inmates are allowed to shower prior to Jumah service Separate services Sunii and Shi'a	*No prayer oils allowed*	

Religious Group	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Jehovah's Witness	No special dietary standard exists	Holy Day Observance >Lord's Evening Meal Nissan 14 th (The Memorial of Christ's death) No unpaid work proscription day(s)	P – Study / prayer G – Weekly study	None	
Jewish	Fast days: Tevet Ester Tammuz Tish B=Av Gedeliah Yom Kippur	Holy Day Observance Chanukah Unpaid Work Proscription Days Shabbat: weekly (sundown Fri – sundown Sat) Purim Passover: day 1 and 2 Passover: day 7 and 8 Shavout: day 1 and 2 Fast of 9 th of AV Rosh Hashanah: day 1 & day 2 Yom Kippur Sukkot: day 1, 2, 8 and 9	P – Prayer three times a day (morning, afternoon, evening) G – Holy days & weekly Erev Shabbat & Havadalah	 Candle (Havadaiah) w/ holder – 1 Candles w/holders (various colors) – up to 8 battery operated Cup (Kiddish) – 1 Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) Grape juice Matzot Menorah (at Chanukah only) – 1 Prayer scarf female) –1 per participant Spice holder w/spices (pleasant smelling, such as clove/cinnamon/bay)– 1 Tallis (male prayer shawl) – 1 per participant Tefillin (Phylacteries) -1 per participant Tefillin bag – 1 per tefillin Yarmulke (male skull cap) –1 per participant 	
Mormon Church of Jesus Christ of Latter-day Saints	No special dietary standard exists	No special accommodation required Good Friday Palm Sunday Easter Christmas No unpaid work proscription day(s)	P – Daily prayer G - Once a week Worship Service accommodated through Protestant worship program when there is no Religious group minister available Baptism	 Bowl/cup (offering) – 1 Sacrament of Communion using grape juice/water and bread/wafer Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) 	

Religious Group	Diet Consideration And Fast Days	NMCD Holy Days (time off from work required: NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Protestant (General Christian)	No special dietary standard exists	Holy Day Observance Good Friday Palm Sunday Easter Christmas No unpaid work proscription day(s)	P - Study / prayer Baptism G - Weekly Worship Service and Bible study. Lord's Supper consisting of wine or grape juice and bread, depending on Church Authority	 Bowl/cup (offering) – 1 Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) Sacrament of Communion using wine/grape juice and bread/wafer 	
Satanism	No special dietary standard exists	Various - Subject to security and safety considerations	same	same	
Seventh Day Adventist	Vegetarian No pork	Holy Day Observance Good Friday Palm Sunday Easter Christmas Unpaid Work Proscription Days Sabbath - weekly sundown Friday until sundown Saturday	P - Study / prayer G - Saturday Worship Service	 Bowl/cup (offering) – 1 Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) Sacrament of Communion using grape juice and bread/wafer 	
Unitarian Universalism	No special dietary Standards exists	Holy Day Observance New Years Day Rosh Hashanah Yom Kippur Martin Luther King, Jr. Birthday Easter Thanksgiving Christmas No unpaid work proscription day(s)	P - Study / prayer G – Saturday Worship Service	 Candles w/holders (various colors) battery operated - up to 6 Chalice – 1 Religious specific VHS/DVD videos & books & tapes (amount contingent to facility) space, security 	

Religious Group	Diet Consideration And Fast Days	NMCD Holy Days (NONE/ NO) Unpaid Work Proscription Days (day off from work required: YES)	Worship Practices Personal / Group Accommodated around normal work hours	Allowable Religious Items Group Property (Personal or Participant Property is as Allowed by NMCD Property Policies.)	
Universal Life Church	No special dietary standard exists	No Mandatory Requirements	P/G - None required	None	
Wicca	No special dietary standard exists	Holy Day observance NONE Unpaid work proscription day(s) Imbolc Spring Equinox Beltane Summer Solstice Lughnassad Fall Equinox Samhain Winter Solstice	P - Personal worship ritual, divination or devotion. G - Prefer to gather outdoors for ritual, but indoors is appropriate also	 Altar – 1 Altar cloth – 1 Bells (small) – 2 Candles w/holders (various colors) – up to 6 battery operated Cards (Tarot and/or Rune) – 1 set Chalice – 1 Chalk (various colors) – 12 pc Charcoal – 1 pc Charcoal burner - 1 Deity Pictures –up to 6 Drum – 1 Drum stick – 1 Earth – 2 oz Religious specific VHS/DVD videos & books & tapes (amount contingent to facility space, security) 	 Feathers – 6 Firewood (amount contingent to facility space, security) Herbs (as listed in personal) Mirror (black) – 1 Paper tablet - 1 Pentacle or Pentagram - 1 Prayer beads – 1 strand per participant Rattle – 1 Ribbon (various colors, up to 12") – 5 Salt/sea salt – 2 oz Stones rounded crystals no larger than 1" in diam – 6 Wand (10"x1/4") – 1 Whisk broom – 1